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Attorney Christa O. Westerberg
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March 4, 2022

VIA FOIAonline.gov

Regional Freedom of Information Officer
U.S. EPA, Region 5
77 West Jackson Boulevard (MI-10J)
Chicago, IL 60604-3590
(312) 886-6803

Re: FOIA Request

To Whom It May Concern:

This letter constitutes a request under the federal Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, on behalf of Mary Faydash, for the following records:

- 1) Records reflecting the Environmental Protection Agency's agreement with the Wisconsin Department of Natural Resources that throughput and emission factor data reported by sources requesting confidentiality do not need to be included in data submitted to the National Emissions Inventory, as referenced in the attached email chain.

We would like to receive the records in electronic format. I am willing to pay fees of up to \$50 for processing this request. Please inform me if the fees will exceed that amount before processing.

If this request is denied in whole or part, please justify all such denials by reference to specific exemptions, and provide an explanation of why your agency "reasonably foresees that disclosure would harm an interest" protected by that exemption or why "disclosure is prohibited by law[.]" 5 U.S.C. § 552(a)(8). Please also ensure that all segregable portions of otherwise exempt material are released.

If you have any questions regarding this request, please feel free to contact me at the address on this letterhead.

I look forward to your determination within 20 working days of this request, as is required by law. Thank you in advance for your assistance in this matter.

Sincerely,

PINES BACH LLP

A handwritten signature in black ink that reads "Eduardo E. Castro". The signature is fluid and cursive, with a long horizontal stroke at the end.

Eduardo E. Castro
Christa O. Westerberg
COW:EEC

ATTACHMENT

Eduardo Castro

From: Hill, Maria A - DNR <Maria.Hill@wisconsin.gov>
Sent: Wednesday, February 2, 2022 10:34 AM
To: Christa Westerberg
Subject: RE: WDNR; Reporting Requirements for Emissions Data and Claims of Confidentiality

Christa,

Sources requesting confidentiality have made a case with the department legal services that throughput and emission factor information should not be public record. EPA has agreed with this determination.

The final emissions, process and stack information, as well as monitoring data do get reported which are used to demonstrate compliance with permit conditions. Emission factors and throughput information are rarely part of an air permit.

Hopefully, this helps with your understanding.
Maria

From: Christa Westerberg <cwesterberg@pinesbach.com>
Sent: Saturday, January 29, 2022 6:58 PM
To: Hill, Maria A - DNR <Maria.Hill@wisconsin.gov>
Subject: RE: WDNR; Reporting Requirements for Emissions Data and Claims of Confidentiality

CAUTION: This email originated from outside the organization.
Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Maria—

I don't recall getting a response to the below questions. Can you follow up when you have a moment?

Thank you.

Christa O. Westerberg
Attorney at Law

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ATTACHMENT

From: Christa Westerberg
Sent: Wednesday, November 17, 2021 7:00 PM
To: Hill, Maria A - DNR <Maria.Hill@wisconsin.gov>
Subject: RE: WDNR; Reporting Requirements for Emissions Data and Claims of Confidentiality

Hi Maria—

I do have a few follow-ups. I'm glad to hear emissions are reported for each source and their individual emission units. I am curious about not reporting throughput and emission factors for confidential sources, since I understand throughput to be essentially another way to describe emissions, and emissions factors would help people who view the data assess compliance with permit conditions. Are there other aspects to the data that would help people understand emissions and compliance?

Thanks,

Christa O. Westerberg
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From: Hill, Maria A - DNR <Maria.Hill@wisconsin.gov>
Sent: Monday, November 8, 2021 8:40 AM
To: Christa Westerberg <cwesterberg@pinesbach.com>
Subject: RE: WDNR; Reporting Requirements for Emissions Data and Claims of Confidentiality

Christa,

The department reports for each source and their individual emission units, control devices, and stacks. The National Emissions Inventory is accessible from EPA's website [National Emissions Inventory \(NEI\) | US EPA](https://www.epa.gov/national-emissions-inventory). Beginning with the 2020 data, Wisconsin will include confidential sources minus their throughput and emission factors.

If you have further questions, please let me know.
Maria

We are committed to service excellence.
Visit our survey at <http://dnr.wi.gov/customersurvey> to evaluate how I did.

Maria Hill, P.E.
Compliance, Enforcement & Emission Inventory Section Chief

ATTACHMENT

Bureau of Air Management
Wisconsin Department of Natural Resources
101 S. Webster St., Madison, WI 53703
Phone: (608) 216-3179
Maria.Hill@wisconsin.gov



From: Christa Westerberg <cwesterberg@pinesbach.com>
Sent: Friday, November 05, 2021 4:51 PM
To: Hill, Maria A - DNR <Maria.Hill@wisconsin.gov>
Subject: FW: WDNR; Reporting Requirements for Emissions Data and Claims of Confidentiality

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Hello Ms. Hill-

I'm following up on the attached, since the EPA indicated you are the contact for questions.

My question is, does the DNR report emissions to the NEI in gross, or does it report emissions by source?

Feel free to call if it's easier to discuss or if you need me to explain my question better.

Thanks,

Christa

Christa O. Westerberg
Attorney at Law

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ATTACHMENT

From: Salgado, Yesenia <Salgado.Yesenia@epa.gov>

Sent: Tuesday, September 28, 2021 2:16 PM

To: Christa Westerberg <cwesterberg@pinesbach.com>; Beauregard Patterson <bpatterson@pinesbach.com>

Cc: Aburano, Douglas <aburano.douglas@epa.gov>; Klassman, Debra <klassman.debra@epa.gov>

Subject: WDNR; Reporting Requirements for Emissions Data and Claims of Confidentiality

Good Afternoon,

Please see attachments regarding Wisconsin Department of Natural Resources (WDNR).

Respectfully,

Yesenia Salgado
U.S. Environmental Protection Agency
Administrative Program Assistant (APA)
Region 5| Air Program Branch
(312) 886-3717

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